

Service Date: December 5, 1988

FINAL ORDER NO. 5908

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9323
JEFFREY DEE BINGMAN DBA MOUNTAIN TAXI)	
for a Certificate of Public Conven-)	ORDER NO. 5908
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On October 21, 1988, Jeffrey Dee Bingman dba Mountain Taxi, P.O. Box 3, Big Sky, Montana 59716, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of persons, Class B, between all points and places within Gallatin and Madison Counties, Montana.

Limitation: Transportation must originate or terminate within a fifteen (15) mile radius of Big Sky, Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public November 4, 1988. That notice said in pertinent part:

If no written protests are received by November 24,

1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by City Taxi, Inc., Bozeman, Montana, and Karst Stage, Inc., Bozeman, Montana.

4. On November 18, 1988, Applicant restrictively amended his application as follows: Transportation of persons between all points and places within a fifteen (15) mile radius of Big Sky, Montana, and further restricted to transportation of eight passengers or less. All protests were subsequently withdrawn.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State

of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 5th day of December, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9323, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of JEFFREY DEE BINGMAN DBA MOUNTAIN TAXI, Big Sky, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class B - Persons between all points and places within a fifteen (15) mile radius of Big Sky, Montana, restricted to transportation of eight passengers or less.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 5th day of December, 1988, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

ATTEST:

Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.